



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

Irena M. Goldstein  
Member of the Firm

Zachary D. Fasman  
Member of the Firm  
d 212.969.3000  
f 212.969.2900  
igoldstein@proskauer.com  
zfasman@proskauer.com

February 8, 2016

Via ECF and Email: chambers of vfp@njb.uscourts.gov

Honorable Vincent F. Papalia  
United States Bankruptcy Court  
District of New Jersey  
50 Walnut Street  
Newark, New Jersey, 07102

Re: Notice of Forthcoming Objection to Documents Captioned “Consent Order  
Resolving Motion to Reopen Case”  
In re Benjamin Jeffery Ashmore, Debtor (Case No. 13-17450-CFP)

Dear Judge Papalia:

We represent CGI Group Inc. and CGI Federal Inc. (collectively “CGI”) and write in response to the proposed Consent Order submitted by Patricia A. Staiano, counsel for the Debtor, sent to Your Honor via e-mail this afternoon. This proposed Consent Order, if granted, would prejudice CGI’s rights in the ongoing civil lawsuit filed by the Debtor in the Southern District of New York (Case No. 11-cv-8611-AT) (the “Action”) by adjudicating issues without notice or a hearing, based on *in camera* submissions not available to CGI or any of the Debtor’s creditors.

As we explained in our Limited Objection, ECF No. 37, CGI has moved, under Fed. R. Civ. P. 12(b)(1), to dismiss the Action on the grounds that the Debtor lacks standing to prosecute it because such standing only resided with a properly appointed Chapter 7 trustee and the Debtor was judicially estopped from pursuing the Action based upon his failure to disclose the Action in the proper manner. This motion has been fully briefed, but the District Court stayed all proceedings pending this Court’s resolution of the former trustee’s motion to reopen the Debtor’s case. Now, the former trustee and the Debtor seek to have this Court “decide” the motion to dismiss, not pending before this Court, through paragraphs 2 and 3 of the proposed Consent Order, without the opportunity for CGI to be heard on the matter. Moreover, it is clear that this Court is not required to resolve these issues in connection with the motion to reopen.

Accordingly, we respectfully request that Your Honor not take any action with respect to the proposed Consent Order or the former trustee’s Motion to Reopen until Your Honor has reviewed our detailed response thereto, which will be filed shortly.



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We thank Your Honor for your consideration of our request.

Respectfully,

/s/ Irena M. Goldstein

Irena M. Goldstein  
Zachary D. Fasman  
Proskauer Rose LLP  
Eleven Times Square  
New York, NY 10036-8299  
Tel: (212) 969-3000  
Fax: (212) 969-2900  
[igoldstein@proskauer.com](mailto:igoldstein@proskauer.com)  
[zfasman@proskauer.com](mailto:zfasman@proskauer.com)  
*Attorneys for CGI Group Inc.  
and CGI Federal Inc.*

cc: Patricia A. Staiano, Esq.  
Michael E. Holt, Esq.  
Robert Herbst, Esq.